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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,753	01/07/2002	Timothy J. Fennell	10559-608001 / P12892	3204
20985	7590	06/17/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081				KIK, PHALLAKA
ART UNIT		PAPER NUMBER		
				2825

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/041,753	FENNELL ET AL.	
	Examiner	Art Unit	
	Phallaka Kik	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-46 is/are pending in the application, *wherein claims 1-22 are cancelled.*
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 April 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This Office Action responds to Applicant's amendment filed on 3/22/2004. Claims 23-46 are pending, wherein claims 1-22 have been cancelled and claims 23-46 have been newly added. Claims 23-46 have been examined; however, the claims are not patentable as given in the new rejection below, as being necessitated by Applicant's amendment.

Claim Objections

2. **Claims 23-46** are objected to because of the following informalities:

As per **claim 23**, "," (coma, line 3, first occurrence only) should be deleted for further clarification. In addition, it is not clear how the information in the simulation model can be directly accessed without assistance from the hardware configuration database, when in fact as claimed, the hardware configuration database contains both the information and the functional processes, requiring the search for the functional processes to locate the information, which by logical implication, must be performed on the configuration database (thus requiring the assistance from the database) in order to directly access the information in the simulation model from the graphical user interface.

As per **claim 29**, "forma" (line 2) should be --form a--.

As per **claims 31,39**, "," (coma, line 4, first occurrence only) should be deleted for further clarification. In addition, it is not clear how the information in the simulation model can be directly accessed without assistance from the hardware configuration database, when in fact as claimed, the hardware configuration database contains both the information and the functional processes, requiring the search for the functional

processes to locate the information, which by logical implication, must be performed on the configuration database (thus requiring the assistance from the database) in order to directly access the information in the simulation model from the graphical user interface.

As per **claims 24-30,32-38,40-46**, the claims are also objected to for incorporating the above errors into the respective claims by claim dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 23-46** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bade, Stephen L. et al.** (US Patent Application Publication No. US 20020059054 A1).

As per **claims 23-25,30-33,38-41,46**, all of the elements of the claims are described in paragraphs [0086] and [0096], wherein the library corresponds to the hardware configuration database, which contains information at least of the processor cores (i.e., chip design, including processor design) to be searched and loaded into the processor simulator, wherein simulation model is contained in the processor simulator,

whose information can be directly accessed by the graphical user interface (GUI) as shown in Fig. 4A via the message output 428 (see paragraphs [0086] and [0096]), wherein the apparatus containing the circuitry for such implementation is illustrated in Fig. 4A and wherein since the method/system is a computer-implemented method/system, the machine readable medium storing such instructions to execute the method of Fig. 4A is inherently included as being necessary to implement the method/system thereof.

As per **claims 26-28,34-36,42-44**, the combining of various functional processes are also part of the system, wherein as described in paragraphs [0086] and [0096], cache, memory and other additional elements associated with the processor cores can also be combined, wherein such hierarchical relationships would inherently be created since such other functional processes form the processor core.

As per **claims 29,37,45**, the changing of the hardware descriptions in the database to form a second simulation model is also described in paragraphs [0086] and [0096], wherein the description language is used to create any number of simulation models, which in turn, are simulated through the same process.

Remarks

5. The objections of **claims 2-22** due to the noted informalities are withdrawn in view of Applicant's amendment filed on 3/22/2004 which cancelled these claims. However, as noted above, the newly added claims 23-46 are newly objected to due to Applicant's amendment which newly introduced the errors.

6. The objection of the abstract of the disclosure is withdrawn in light of Applicant's amendment filed on 3/22/2004 which corrected the abstract.

7. The rejection of **claims 1-22** under 35 U.S.C. 102(e) as being anticipated by **Choi et al.** (US Patent Application Publication No. US 2003/0004699 A1) are withdrawn in light of Applicant's amendment and arguments filed on 3/22/2004, wherein as pointed out by Applicant, **Choi et al.** failed to teach or suggest the directly accessing the information in the simulation from the graphical user interface without assistance from the hardware configuration database, as newly claimed.

8. As per **claims 23-46**, the claims are newly rejected as given above, being necessitated by Applicant's amendments (i.e., addition) to the claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Therefore, Applicant is requested herein to consider them carefully in response to this Office Action.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on Monday-Friday, 7:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

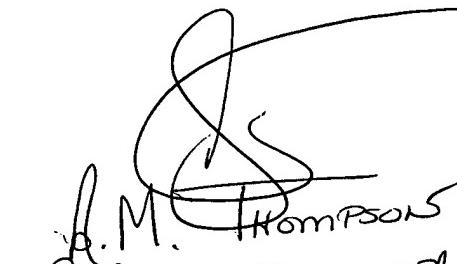
12. **Applicant should note that effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address for transitioning to the new Office location in Alexandria, VA, wherein correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must now be addressed to:**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PK 
June 13, 2004


J.M. THOMPSON
Primary Examiner
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